

**REMARKS**

The allowance of claims 1-6 and 14 and the indication by the Examiner of allowable subject matter in claims 10-13 and 16-19 are gratefully acknowledged.

The courtesy of the Examiner in granting an interview to the applicant's attorney is also gratefully acknowledged. During the interview, the Blackburn et al. reference and claims 7, 8 and 15 were discussed. The applicant's attorney sought clarification as to the portions of the reference that constituted "the space" and the "upper boundary" of claims 7, 8 and 15. The Examiner indicated that the combustion chamber 12, the inside of the heat exchanger 16, and the inside of the vent pipe 60 up to the ceiling of the room in which the gas log fireplace is located, together, constitute "the space" of the claims and that the ceiling of the room constitutes "the upper boundary". The applicant's attorney indicated that the ceiling of the room is not the upper boundary of the space defined by the Examiner, and that smoke does not accumulate downward from the upper boundary of the space defined by the Examiner. With respect to the plurality of openings of claim 8, the applicant's attorney stated that the louvers 244 of the Blackburn et al. reference are not in any upper boundary of a space.

No agreement was reached on the issues just described. However, especially in view of the fact that the application was withdrawn from issue by the PTO, the Examiner indicated that he would consider claim amendments that more clearly define claims 7, 8 and 15 from the Blackburn et al. reference. Proposed claim amendments were faxed to the PTO on November 28, 2006, and the Examiner told the applicant's attorney in a subsequent telephone call that the proposed amended claims appear to the Examiner to be allowable. The proposed amended claims are formally submitted in the present Amendment.

Amended claims 7 and 15 call for the space to be defined by a building. Any space in the

fireplace unit of Blackburn et al. is not defined by a building. As a result, no space inside the fireplace of Blackburn et al. reads on amended claims 7 and 15. Claims 7 and 15 have also been amended to recite "an upper boundary wall". This amendment gives the upper boundary more structure, and no horizontal plane through the vent pipe 60 of Blackburn et al., at the level of the roof of the building in which the fireplace is located, satisfies the amended limitation. There is no upper boundary wall in the vent pipe 60 of Blackburn et al. at the level of the roof of the building in which the fireplace is located. Claims 7 and 15 have further been amended to recite exhausting from the space the smoke that accumulates from the upper boundary wall of the space downward. No smoke accumulates downward inside the vent pipe 60 from a level even with the roof of the building in which the fireplace is located. In addition, this added limitation is not satisfied by any smoke that is thought to accumulate in the firebox 10 of the fireplace of Blackburn et al. from which it is exhausted.

In view of the foregoing, the applicant submits that all the claims are allowable and that the application is in condition for allowance. An early notice to that effect is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0562.

Respectfully submitted,

Date: 12 - 4 - 06

  
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Serial No. 10/688,993  
Docket No. FMG.002

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